

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN BAILEY,

Plaintiff,

v.

MICHAEL J. ASTURE,
Commissioner of Social Security,

Defendant.

Civil Action No. 07-21 Erie

MEMORANDUM ORDER

Plaintiff's social security complaint was received by the Clerk of Court on February 9, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 19], filed on June 26, 2008, recommended that Plaintiff's Motion for Summary Judgment [Doc. No. 10] be granted, that Defendant's Motion for Summary Judgment [Doc. No. 12] be denied, and that the case be remanded to the Commissioner for further proceedings. The parties were allowed ten (10) days from the date of service to file objections. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of July, 2008;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment [Doc. No. 10] is GRANTED, and Defendant's Motion for Summary Judgment [Doc. No. 12] is DENIED; the case is hereby REMANDED to the Commissioner for further proceedings.

The Report and Recommendation [Doc. No. 19] of Magistrate Judge Baxter, filed on June 26, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge